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THE TRAVANCORE GOVERNMENT GAZETTE. EXTRAORDINARY

PUBLISHED BY AUTHORITY

TRIVANDRUM, THURSDAY, 2nd MAY 1940. / 20th MEDOM 1115.

ACT XXII OF 1115.

THE TRAVANCORE RAILWAYS ACT.

PASSED BY HIS HIGHNESS THE MAHARAJA OF TRAVANCORE UNDER DATE THE 20TH MEDOM 1115 CORRESPONDING TO THE 2ND MAY 1940.

Preamble.

Whereas all power and jurisdiction over the lands in Travancore occupied by the section of the South Indian Railway between Shencottah and Trivandrum (including the lands occupied by stations, by out-buildings and for other railway purposes) have been retroceded to Our Government with effect from 1st May 1940 under Notification No. 104/1-B Political Department, Simla, dated 23rd April 1940,

And whereas it is expedient to make provision for arrangements consequent upon such retrocession; It is hereby enacted as follows:—

Short title, extent and commencement.

1. (a) This Act may be called the Travancore Railways Act.

(b) It extends to the lands in Travancore occupied by the section of the South Indian Railway between Shencottah and Trivandrum (including the lands occupied by stations, by out-buildings and for other railway purposes).

(c) It shall be deemed to have come into force on and from the first day of May 1940.

Definitions.

2. In this Act, unless there is something repugnant in the subject or context,—

(1) "railway" includes—

(a) any portion of a railway for the public carriage of passengers, animals or goods.

(b) all land within the fences or other boundary marks indicating the limits of the land appurtenant to the railway;

(c) all lines of rails, sidings, or branches worked over for the purposes of, or in connection with the railway;

(d) all stations, offices, warehouses, wharves, workshops, manufactories, fixed plant and machinery, and other works constructed for the purposes of, or in connection with the railway; and

(e) all ferries, boats and rafts which are used on inland waters for the purposes of the traffic of a railway and belong to, or are hired or worked by, the authority administering a railway;

(2) "railway administration" means the South Indian Railway Company;

(3) "railway servant" means any person employed by the railway administration in connection with the service of the railway;

(4) "ferry" includes a bridge of boats, pontoons, or rafts, a swing bridge, a flying bridge and a temporary bridge, and the approaches to, and landing places of, a ferry;

(5) "goods" includes inanimate things of every kind;

(6) "rolling stock" includes locomotive engines, tenders, carriages, wagons, trucks and trollies of all kinds;

(7) "traffic" includes rolling stock of every description as well as passengers, animals and goods;

(8) "through traffic" means traffic which is carried over the railways of two or more railway administrations;

(9) "rate" includes any fare, charge, or other payment for the carriage of any passenger, animal or goods;

(10) "terminals" includes charges in respect of stations, sidings, wharves, depots, warehouses, cranes and other similar matters, and of any services rendered thereat;

(11) "pass" means an authority given by the railway administration, or by any officer appointed by the railway administration, in this behalf, and authorising the person to whom it is given to travel as a passenger on a railway gratuitously;

(12) "ticket" includes a single ticket, a return ticket, and a season ticket;

(13) "maund" means a weight of three thousand two hundred tolas, each tola being a weight of one hundred and eighty grains Troy;

(14) "Inspector" means an Inspector of Railways appointed under the Indian Railways Act, 1890 (Act IX of 1890).

(15) 'District Magistrate' includes any officer specially appointed by Our Government to discharge the functions of a District Magistrate under this Act.

Duties and powers of Inspector.

3. An Inspector shall perform all the duties imposed on him by or under the Indian Railways Act or any other enactment for the time being in force in British India or in Travancore relating to railways, and may for that purpose exercise all such powers as are vested in him by or under the said enactments or any of them.

Inspector to be public servant.

4. An Inspector shall for the purpose of any of the duties which he is required or authorised to perform under Section 3, be a public servant within the meaning of the Travancare Penal Code.

Removal of trees dangerous to or obstructing the working of the railway.

5. (1) In either of the following cases, namely:—

(a) where there is danger that a tree standing near the railway may fall on the railway so as to obstruct traffic,

(b) when a tree obstructs the view of any fixed signal, the railway administration may, with the permission of any Magistrate, fell the tree or deal with it in such other manner as will in the opinion of the railway administration avert the danger or remove the obstruction, as the case may be.

(2) In case of emergency the power mentioned in sub-section (1) may be excr cised by the railway administration without the permission of a Magistrate.

(3) Where a tree felled or otherwise dealt with under sub-section (1) or sub-section (2) was in existence before the railway was constructed or the signal was fixed, any Magistrate may upon the application of the persons interested in the tree award to those persons such compensation as he thinks reasonable.

(4) Such an award, subject, where made by any Magistrate other than the District Magistrate, to revision by the District Magistrate, shall be final.

(5) A civil court shall not entertain a suit to recover compensation for any tree felled or otherwise dealt with under this section.

Lien for rates, terminals, and other charges.

6. (1) If a person fails to pay, on demand made by or on behalf of the railway administration, any rate, terminal or other charge due from him in respect of any animals or goods, the railway administration may detain the whole or any of the animals or goods or, if they have been removed from the railway, any other animals or goods of such person then being in, or thereafter coming into, its possession.

(2) When any animals or goods have been detained under sub-section (1), the railway administration may sell by public auction in the case of perishable goods, at once, and, in the case of other goods or of animals, on the expiration of at least fifteen days' notice of the intended auction, published in one or more of the local newspapers, or where there are no such newspapers, in such manner as may be approved by Our Government, sufficient of such animals or goods to produce a sum equal to the charge, and all expenses of such detention, notice and sale, including in the case of animals the expenses of the feeding, watering, and tending thereof.

(3) Out of the proceeds of the sale the railway administration may retain a sum equal to the charge and the expenses aforesaid, rendering the surplus, if any, of the proceeds, and such of the animals or goods (if any) as remain unsold, to the person entitled thereto.

(4) If a person on whom a demand for any rate, terminal, or other charge due from him has been made, fails to remove from the railway, within a reasonable time, any animals or goods which have been detained under sub-section (1) or any animals or goods which have remained unsold after a sale under sub-section (2), the railway administration may sell the whole of them, and dispose of the proceeds of the sale, as nearly as may be, under the provisions of sub-section (3).

(5) Notwithstanding anything in the foregoing sub-sections the railway administration may recover by suit any such rate, terminal, or other charges as aforesaid or balance thereof.

Disposal of unclaimed things on a railway.

7. (1) When any animals or goods have come into the possession of a railway administration for carriage or otherwise, and are not claimed by the owner or other person appearing to the railway administration to be entitled thereto, the railway administration shall, if such owner or person is known, cause a notice to be served upon him requiring him to remove the animals or goods.

(2) If such owner or person is not known, or the notice cannot be served upon him or he does not comply with the requisition in the notice, the railway administration may, within a reasonable time, subject to the provisions of any other enactment for the time being in force, sell the animals or goods, as nearly as may be, under the provisions of the last foregoing section, rendering the surplus, if any, of the proceeds of the sale to any person entitled thereto.

Power for railway administration to require indemnity on delivery of goods of certain cases.

8. Where any animals, goods, or sale proceeds in the possession of the railway administration are claimed by two or more persons, or the ticket or receipt given for the animals or goods is not forthcoming, the railway administration may withhold delivery of the animals, goods, or sale proceeds until the person entitled in its opinion to receive them has given an indemnity, to the satisfaction of the railway administration, against the claims of any other person with respect to the animals, goods, or sale proceeds.

Requisitions for written accounts of description of goods.

9. (1) The owner or person having charge of any goods which are brought upon the railway for the purpose of being carried thereon, and the consignee of any goods which have been carried on the railway, shall, on the request of any railway servant appointed in this behalf by the railway administration, deliver to such servant an account in writing signed by such owner or person, or by such consignee, as the case may be, and containing such a description of the goods as may be sufficient to determine the rate which the railway administration is entitled to charge in respect thereof.

(2) If such owner, person, or consignee refuses or neglects to give such an account, and refuses to open the parcel or package containing the goods, in order that their description may be ascertained, the railway administration may,—

(a) in respect of goods which have been brought for the purpose of being carried on the railway, refuse to carry the goods, unless in respect thereof a rate is paid not exceeding the highest rate which may be in force at the time on the railway, for any class of goods, or

(b) in respect of goods which have been carried on the railway, charge a rate not exceeding such highest rate.

(3) If an account delivered under sub-section (1) is materially false with respect to the description of any goods to which it purports to relate, and which have been carried on the railway, the railway administration may charge, in respect of the carriage of the goods, a rate not exceeding double the highest rate which may be in force at the time on the railway for any class of goods.

(4) If any difference arises between a railway servant and the owner or person having charge, or the consignee, of any goods which have been brought to be carried, or have been carried on a railway, respecting the description of goods of which an account has been delivered under this section, the railway servant may detain and examine the goods.

(5) If it appears from the examination that the description of the goods is different from that stated in an account delivered under sub-section (1), the person who delivered the account or, if that person is not the owner of the goods, then that person and the owner jointly and severally, shall be liable to pay to the railway administration the cost of the detention and examination of the goods, and the railway administration shall be exonerated from all responsibility for any loss which may have been caused by the detention or examination thereof.

(6) If it appears that the description of the goods is not different from that stated in an account delivered under sub-section (1), the railway administration shall pay the cost of the detention and examination, and be responsible to the owner of the goods for any such loss as aforesaid.

Dangerous or offensive goods.

10. (1) No person shall be entitled to take with him, or to require a railway administration to carry, any dangerous or offensive goods upon a railway.

(2) No person shall take any such goods with him upon the railway without giving notice of their nature to the station-master or other railway servant in charge of the place where he brings the goods upon the railway or shall tender or deliver any such goods for carriage upon the railway without distinctly marking their nature on the outside of the package containing them, or otherwise giving notice in writing of their nature to the railway servant to whom he tenders or delivers them.

(3) Any railway servant may refuse to receive such goods for carriage, and when such goods have been so received without such notice, as is mentioned in sub-section (2) having to his knowledge been given, may refuse to carry them or may stop their transit.

(4) If any railway servant has reason to believe any such goods to be contained in a package, with respect to the contents whereof such notice as is mentioned in sub-section (2) has not, to his knowledge, been given, he may cause the package to be opened for the purpose of ascertaining its contents.

(5) Nothing in this section shall be construed to derogate from the Travancore Explosives Act, V of 1079 or any rule under that Act, and nothing in sub-sections (1), (3) and (4) shall be construed to apply to any goods tendered or delivered for carriage by order or on behalf of Our Government, or to any goods which an officer, soldier, sailor, airman or police officer, or a member of the Indian Territorial Force, or of the Auxiliary Force, India, or a member of Our State Forces, may take with him upon the railway in the course of his employment or duty as such.

Exhibition to the public of authority for quoted rates.

11. At every station at which the railway administration quotes a rate to any other station for the carriage of traffic other than passengers and their luggage, the railway servant appointed by the administration to quote the rate shall, at the request of any person, show to him at all reasonable times, and without payment of any fee, the rate books or other documents in which the rate is authorised by the administration.

Requisition on railway administration for details of gross charges.

12. (1) Where any charge is made by and paid to the railway administration in respect of the carriage of goods over the railway, the administration shall, on the application of the person by whom or on whose behalf the charge has been paid, render to the applicant an account showing how much of the charge comes under each of the following heads, namely:—

(a) the carriage of the goods on the railway;
(b) terminals;
(c) demurrage; and
(d) collection, delivery and other expenses;

but without particularising the several items of which the charge under each head consists.

(2) The application under sub-section (1) must be in writing and be made to the railway administration within one month after the date of the payment of the charge by or on behalf of the applicant, and the account must be rendered by the administration within two months after the receipt of the application.

Maximum number of passengers for each compartment.

13. The railway administration may fix the maximum number of passengers which may be carried in each compartment of every description of carriage, and shall exhibit the number so fixed in a conspicuous manner inside or outside each compartment, in English or in one or more of the languages in common use in the place traversed by the railway, or both in English and in one or more of such languages as Our Government after consultation with the railway administration may determine.

Reservation of compartments for females.

14. The railway administration shall, in every train carrying passengers, reserve for the exclusive use of females one compartment at least of the lowest class of carriage forming part of the train.

(2) One such compartment so reserved shall be provided with a closet.

Exhibition of time tables and tables of fares at stations.

15. The railway administration shall cause to be posted in a conspicuous and accessible place at every station on the railway, in English and in a language in common use in the place where the station is situate, a copy of the time-tables for the time being in force on the railway, and lists of the fares chargeable for travelling from the station where the lists are posted to every place for which card-tickets are ordinarily issued to passengers at that station.

Supply of tickets on payment of fares.

16. (1) Every person desirous of travelling on the railway shall, upon payment of his fare, be supplied with a ticket, specifying the class of carriage for which, and the place from and the place to which, the fare has been paid, and the amount of the fare.

(2) The matters required by sub-section (1) to be specified on a ticket shall be set forth—

(a) if the class of carriage to be specified thereon is the lowest class, then in language in common use in the place traversed by the railway, and

(b) if the class of carriage to be so specified is any other than the lowest class, then in English.

Provision for case in which tickets have been issued for trains not having room available for additional passengers.

17. (1) Fares shall be deemed to be accepted, and tickets to be issued, subject to the condition of there being room available in the train for which the tickets are issued.

(2) A person to whom a ticket has been issued and for whom there is not room available in the train for which the ticket was issued shall on returning the ticket within three hours after the departure of the train be entitled to have his fare at once refunded.

(3) A person for whom there is not room available in the class of carriage for which he has purchased a ticket and who is obliged to travel in a carriage of a lower class shall be entitled on delivering up his ticket to a refund of the difference between the fare paid by him and the fare payable for the class of carriage in which he travelled.

18. No person shall, without the permission of a railway servant, enter any carriage on the railway for the purpose of travelling therein as a passenger, unless he has with him a proper pass or ticket.

Prohibition against travelling without pass or ticket.

19. Every passenger by railway shall, on the requisition of any railway servant appointed by the railway administration in this behalf, present his pass or ticket to the railway servant for examination, and, at or near the end of the journey for which the pass or ticket was issued, or, in the case of a season pass or ticket, at the expiration of the period for which it is current, deliver up the pass or ticket to the railway servant.

Exhibition and surrender of passes and tickets.

20. A return ticket or season ticket shall not be transferable, and may be used only by the person for whose journey to and from the places specified thereon it was issued.

Return and season ticket.

21. (1) The railway administration may refuse to carry, except in accordance with the conditions that may be laid down for the purpose a person suffering from any infectious or contagious disorder.

Power to refuse to carry persons suffering from infectious or contagious disorders.

(2) A person suffering from such a disorder shall not enter or travel upon a railway without the special permission of the station-master or other railway servant in charge of the place where he enters upon the railway.

(3) A railway servant giving such permission as is mentioned in sub-section (2) must arrange for the separation of the person suffering from the disorder from other persons being or travelling upon the railway.

22. (1) The responsibility of the railway administration for the loss, destruction or deterioration of animals or goods delivered to the administration to be carried by railway shall, subject to the other provisions of this Act, be that of a bailee under sections 104, 105 and 114 of the Travancore Contract Act.

Measure of the general responsibility of the railway administration as a carrier of animals and goods.

(2) An agreement purporting to limit that responsibility shall, in so far as it purports to effect such limitation, be void, unless it is in writing signed by or on behalf of the person sending or delivering to the railway administration the animals or goods.

23. (1) The responsibility of the railway administration under the last foregoing section for the loss, destruction or deterioration of animals delivered to the administration to be carried on the railway shall not in any case exceed, in the case of elephants or horses, five hundred rupees a head or, in the case of mules, camels or horned cattle, fifty rupees a head or, in the case of donkeys, sheep, goats, dogs or other animals, ten rupees a head, unless the person sending or delivering them to the administration caused them to be declared or declared them, at the time of their delivery for carriage by railway, to be respectively of higher value than five hundred, fifty or ten rupees a head, as the case may be.

Further provision with respect to the liability of the railway administration as a carrier of animals.

(2) Where such higher value has been declared, the railway administration may charge, in respect of the increased risk, a percentage upon the excess of the value so declared over the respective sums aforesaid.

(3) In every proceeding against the railway administration for the recovery of compensation for the loss, destruction or deterioration of any animal, the burden of proving the value of the animal, and where the animal has been injured, the extent of the injury, shall lie upon the person claiming the compensation.

24. The railway administration shall not be responsible for the loss, destruction or deterioration of any luggage belonging to or in charge of a passenger unless a railway servant has booked and given a receipt therefor.

Further provision with respect to the liability of the railway administration as a carrier of luggage.

Further provision with respect to the liability of the railway administration as a carrier of articles of special value.

25. (1) When any articles mentioned in the schedule are contained in any parcel or package delivered to the railway administration for carriage by railway, and the value of such articles in the parcel or package exceeds one hundred rupees, the railway administration shall not be responsible for the loss, destruction or deterioration of the parcel or package unless the person sending or delivering the parcel or package to the administration caused its value and contents to be declared or declared them at the time of the delivery of the parcel or package for carriage by railway, and, if so required by the administration, paid or engaged to pay a percentage on the value so declared by way of compensation for increased risk.

(2) When any parcel or package of which the value has been declared under sub-section (1) has been lost or destroyed or has deteriorated, the compensation recoverable in respect of such loss, destruction or deterioration shall not exceed the value so declared and the burden of proving the value so declared to have been the true value shall, notwithstanding anything in the declaration, lie on the person claiming the compensation.

(3) The railway administration may make it a condition of carrying a parcel declared to contain any article mentioned in the schedule that a railway servant authorised in this behalf has been satisfied by examination or otherwise that the parcel actually contains the article declared to be therein.

Burden of proof in suits in respect of loss of animals or goods.

26. In any suit against the railway administration for compensation for loss, destruction or deterioration of animals or goods delivered to the railway administration for carriage by railway, it shall not be necessary for the plaintiff to prove how the loss, destruction or deterioration was caused.

Notification of claims to refunds of overcharges and to compensation for losses.

27. A person shall not be entitled to a refund of an overcharge in respect of animals or goods carried by railway or to compensation for the loss, destruction or deterioration of animals or goods delivered to be so carried unless his claim to the refund or compensation has been preferred in writing by him or on his behalf to the railway administration within six months from the date of the delivery of the animals or goods for carriage by railway.

Exoneration from responsibility in case of goods falsely described.

28. Notwithstanding anything in the foregoing provisions, the railway administration shall not be responsible for the loss, destruction or deterioration of any goods with respect to the description of which an account materially false has been delivered under sub-section (1) of section 9 if the loss, destruction or deterioration is in any way brought about by the false account, nor in any case for an amount exceeding the value of the goods if such value were calculated in accordance with the description contained in the false account.

Report of railway accidents.

29. When any of the following accidents occur in the course of working the railway, namely :—

(a) any accident attended with loss of human life, or with grievous hurt as defined in the Travancore Penal Code or with serious injury to property

(b) any collision between trains of which one is a train carrying passengers;

(c) the derailment of any train carrying passengers or of any part of such a train ;

(d) any accident of a description usually attended with loss of human life or with such grievous hurt as aforesaid or with serious injury to property ;

(e) any accident of any other description which may be notified under the provisions of the Indian Railways Act, IX of 1890 or which Our Government may notify in this behalf in Our Government Gazette ;

the railway administration shall, without unnecessary delay, send notice of the accident to Our Government and to the Inspector appointed for the railway ; and the station-master nearest to the place at which the accident occurred or, where there is no station-master, the railway servant in charge of the section of the railway on which the accident occurred shall, without unnecessary delay, give notice of the accident to the Magistrate of the District in which the accident occurred, and to the officer in charge of the police-station within the local limits of which it occurred or to such other Magistrate and police-officer as Our Government may appoint in this behalf.

30. Whenever any person injured by an accident on the railway claims compensation on account of the injury, any Court or person having by law or consent of parties authority to determine the claim may order that the person injured be examined by some duly qualified medical practitioner named in the order and not being a witness on either side, and may make such order with respect to the costs of the examination as it or he thinks fit.

Provision for compulsory medical examination of person injured in railway accident.

31. If a railway servant whose duty it is to comply with the provisions of section 11 negligently or wilfully omits to comply therewith, he shall be punished with fine which may extend to twenty rupees.

Breach of duty imposed by section 11.

32. If a railway servant is in a state of intoxication while on duty, he shall be punished with fine which may extend to fifty rupees, or where the improper performance of the duty would be likely to endanger the safety of any person travelling or being upon a railway, with imprisonment for a term which may extend to one year, or with fine or with both.

Drunkenness.

33. If a railway servant, when on duty, endangers the safety of any person—

Endangering the safety of persons

(a) by disobeying any general rule made, sanctioned, published and notified under the provisions of the Indian Railways Act, IX of 1890 or under this Act, or

(b) by disobeying any rule or order which is not inconsistent with any such general rule, and which such servant was bound by the terms of his employment to obey, and of which he had notice, or

(c) by any rash or negligent act or omission,

he shall be punished with imprisonment for a term, which may extend to two years, or with fine which may extend to five hundred rupees, or with both.

34. If a railway servant compels or attempts to compel, or causes, any passenger to enter a compartment which already contains the maximum number of passengers exhibited therein or thereon under section 13, he shall be punished with fine which may extend to twenty rupees.

Compelling passengers to enter carriages already full.

35. If a station-master or a railway servant in charge of a section of the railway omits to give such notice of an accident as is required by section 29, he shall be punished with fine which may extend to fifty rupees.

Omission to give notice of accident.

Obstructing level closing.

36. If a railway servant unnecessarily—

(a) allows any rolling stock to stand across a place where the railway crosses a public road on the level, or

(b) keeps a level crossing closed against the public, he shall be punished with fine which may extend to twenty rupees.

37. If any return which is required by this Act is false in any particular to the knowledge of any person who signs it, that person shall be punished with fine which may extend to five hundred rupees, or with imprisonment which may extend to one year, or with both.

False returns

38. If a person requested under section 9 to give an account with respect to any goods, gives an account which is materially false, he and, if he is not the owner of the goods, the owner also, shall be punished with fine which may extend to ten rupees for every maund or part of a maund of the goods, and the fine shall be in addition to any rate or other charge to which the goods may be liable.

Giving false account of goods.

39. If, in contravention of section 10, a person takes with him any dangerous or offensive goods upon a railway, or tenders or delivers any such goods for carriage upon a railway, he shall be punished with fine which may extend to five hundred rupees, and shall also be responsible for any loss, injury or damage, which may be caused by reason of such goods having been so brought upon the railway.

Unlawfully bringing dangerous or offensive goods upon a railway.

40. If a passenger, without reasonable and sufficient cause, makes use of, or interferes with, any means provided by the railway administration for communication between passengers and the railway servants in charge of a train, he shall be punished with fine which may extend to fifty rupees.

Needlessly interfering with means of communication in a train.

41. (1) If a passenger, having entered a compartment which is reserved by the railway administration for the use of another passenger, or which already contains the maximum number of passengers exhibited therein or thereon under Section 13 refuses to leave it when required to do so by any railway servant, he shall be punished with fine which may extend to twenty rupees.

Entering compartment reserved or already full or resisting entry into a compartment not full.

(2) If a passenger resists the lawful entry of another passenger into a compartment not reserved by the railway administration for the use of the passenger resisting or not already containing the maximum number of passengers exhibited therein or thereon or under Section 13, he shall be punished with fine which may extend to twenty rupees.

42. (1) If a person, without the consent of his fellow-passengers, if any, in the same compartment, smokes in any compartment, except a compartment specially provided for the purpose, he shall be punished with fine which may extend to twenty rupees.

Smoking.

(2) If any person persists in so smoking after being warned by any railway servant to desist, he may, in addition to incurring the liability mentioned in sub-section (1), be removed by any railway servant from the carriage in which he is travelling.

43. If a person, without authority in this behalf, pulls down, or wilfully injures, any board or document set up or posted by order of the railway administration on the railway or any rolling stock, or obliterates or alters any of the letters or figures upon any such board or document, he shall be punished with fine which may extend to fifty rupees.

Defacing public notices.

44. If a person, with intent to defraud the railway administration:—

Fraudulently travelling or attempting to travel without proper pass or ticket.

(a) enters in contravention of section 18 any carriage on the railway, or

(b) uses or attempts to use a single pass or single ticket which has already been used on a previous journey, or, in the case of a return ticket, a half thereof which has already been so used,

he shall be punished with fine which may extend to one hundred rupees in addition to the amount of the single fare for any distance which he may have travelled.

45. (1) If a passenger travels in a train without having a proper pass or a proper ticket with him, or being in or having alighted from a train, fails or refuses to present for examination, or to deliver up his pass or ticket immediately on requisition being made therefor under Section 19, he shall be liable to pay on the demand of any railway servant appointed by the railway administration in this behalf, the excess charge hereinafter in this Section mentioned, in addition to the ordinary single fare for the distance which he has travelled or, where there is any doubt as to the station from which he started, the ordinary single fare from the station from which the train originally started, or, if the tickets of passengers travelling in the train have been examined since the original starting of the train, the ordinary single fare from the place where the tickets were examined, or, in case of their having been examined more than once, were last examined.

Travelling without pass or ticket, or with insufficient pass or ticket, or beyond authorised distance.

(2) If a passenger travels or attempts to travel in or on a carriage, or by a train, of a higher class than that for which he has obtained a pass or purchased a ticket, or travels in or on a carriage beyond the place authorised by his pass or ticket, he shall be liable to pay, on the demand of any railway servant appointed by the railway administration in this behalf, the excess charge hereinafter in this section mentioned, in addition to any difference between any fare paid by him and the fare payable in respect of such journey as he has made.

(3) The excess charge referred to in sub-section (1) and sub-section (2) shall:—

(a) where the passenger has immediately, after incurring the charge and before being detected by a railway servant, notified to the railway servant on duty with the train the fact of his charge having been incurred, be one rupee, two annas, or eight annas, and

(b) in any other case, be six rupees, one rupee, or three rupees,

according as the passenger is travelling or has travelled or has attempted to travel in a carriage of the highest class, or in a carriage of the lowest class, or in a carriage of any other class or kind:

Provided that such excess charge shall in no case exceed :—

(a) where the liability to pay it arises under sub-section (1) the amount of the ordinary single fare which the passenger incurring the charge is liable to pay under that sub-section, or

(b) where such liability arises under sub-section (2), the amount of the difference between the fare paid by the passenger incurring the charge and the fare payable in respect of such journey as he has made.

(4) If a passenger liable to pay the excess charge and fare mentioned in sub-section (1), or the excess charge and any difference of fare mentioned in sub-section (2), fails or refuses to pay the same on demand being made therefor under one or other of those sub-sections, as the case may be, the sum payable by him shall, on application made to any Magistrate by any railway servant appointed by the railway administration in this behalf, be recovered by the Magistrate from the passenger as if it were a fine imposed on the passenger by the Magistrate, and shall, as it is recovered, be paid to the railway administration.

Transferring any half of return ticket.

46. If a person sells or attempts to sell, or parts or attempts to part with the possession of any half of a return ticket in order to enable any other person to travel therewith, or purchases such half of a return ticket, he shall be punished with fine which may extend to fifty rupees, and if the purchaser of such half of a return ticket travels or attempts to travel therewith, he shall be punished with an additional fine which may extend to the amount of the single fare for the journey authorised by the ticket.

Disposal of fines under sections 44 and 46.

47. That portion of any fine imposed under section 44 or the last foregoing section which represents the single fare therein mentioned shall, as the fine is recovered, be paid to the railway administration before any portion of the fine is credited to Our Government.

Altering or defacing pass or ticket.

48. If a passenger wilfully alters or defaces his pass or ticket so as to render the date, number, or any material portion thereof illegible, he shall be punished with fine which may extend to fifty rupees.

Being or suffering person to travel on railway with infectious or contagious disorder.

49. (1) If a person suffering from an infectious or contagious disorder enters or travels upon the railway in contravention of sub-section (2) of Section 21, he, and any person having charge of him upon the railway when he so entered or travelled thereon, shall be punished with fine which may extend to twenty rupees, in addition to the forfeiture of any fare which either of them may have paid, and of any pass or ticket which either of them may have obtained or purchased, and may be removed from the railway by any railway servant.

(2) If any such railway servant as is referred to in sub-section (2) of Section 31, knowing that a person is suffering from any infectious or contagious disorder, wilfully permits the person to travel upon a railway without arranging for his separation from other passengers, he shall be punished with fine which may extend to one hundred rupees.

Entering carriage in motion, or otherwise improperly travelling on a railway.

50. (1) If a passenger enters or leaves, or attempts to enter or leave, any carriage while the train is in motion, or elsewhere than at the side of the carriage adjoining the platform or other place appointed by the railway administration for passengers to enter or leave the carriage, or opens the side door of any carriage while the train is in motion, he shall be punished with fine which may extend to twenty rupees.

(2) If a passenger, after being warned by a railway servant to desist, persists in travelling on the roof, steps, or footboard of any carriage, or on an engine, or in any other part of a train not intended for the use of passengers, he shall be punished with fine which may extend to fifty rupees and may be removed from the railway by any railway servant.

Entering carriage or other place reserved for females.

51. If a male person, knowing a carriage, compartment, room or other place to be reserved by the railway administration for the exclusive use of females, enters the place without lawful excuse, or having entered it, remains therein after having been desired by any railway servant to leave it, he shall be punished with fine which may extend to one hundred rupees, in addition to the forfeiture of any fare which he may have paid, and of any pass or ticket which he may have obtained or purchased, and may be removed from the railway by any railway servant.

Drunkenness or nuisance on a railway.

52. If a person, in any railway carriage or upon any part of the railway :—

(a) is in a state of intoxication, or

(b) commits any nuisance or act of indecency, or uses obscene or abusive language, or

(c) wilfully and without lawfull excuse interferes with the comfort of any passenger, or extinguishes any lamp,

he shall be punished with fine which may extend to fifty rupees in addition to the forfeiture of any fare which he may have paid, and of any pass or ticket which he may have obtained or purchased and may be removed from the railway by any railway servant.

Obstructing railway servant in his duty.

53. If a person wilfully obstructs or impedes any railway servant in the discharge of his duty he shall be punished with fine which may extend to one hundred rupees.

Trespass and refusal to desist from trespass.

54. (1) If a person unlawfully enters upon the railway, he shall be punished with fine which may extend to twenty rupees.

(2) If a person so entering refuses to leave the railway on being requested to do so by any railway servant, or by any other person on behalf of the railway administration he shall be punished with fine which may extend to fifty rupees and may be removed from the railway by such servant or other person.

Disobedience of omnibus drivers to directions of railway servants.

55. If a driver or conductor of a tramcar, omnibus, carriage, or other vehicle, while upon the premises of the railway, disobeys the reasonable directions of any railway servant or police officer, he shall be punished with fine which may extend to twenty rupees.

Opening or not properly shutting gates.

56. In either of the following cases, namely :—

(a) if a person, knowing or having reason to believe that an engine or train is approaching along a railway, opens any gate set upon either side of the railway across a road, or passes or attempts to pass, or drives or takes, or attempts to drive or take any animal, vehicle, or other thing across the railway,

(b) if, in the absence of a gate-keeper, a person omits to shut and fasten such a gate as aforesaid as soon as he and any animal, vehicle, or other thing under his charge have passed through the gate,

the person shall be punished with fine which may extend to fifty rupees.

Cattle trespass.

57. (1) The owner or person in charge of any cattle straying on the railway provided with fences suitable for the exclusion of cattle shall be punished with fine which may extend to five rupees for each head of cattle, in addition to any amount which may have been recovered, or may be recoverable under the Cattle-trespass Act, 1086.

(2) If any cattle are wilfully driven, or knowingly permitted to be, on the railway otherwise than for the purpose of lawfully crossing the railway, or for any other lawful purpose, the person in charge of the cattle, or, at the option of the railway administration, the owner of the cattle shall be punished with fine which may extend to ten rupees for each head of cattle in addition to any amount which may have been recovered or may be recoverable under the Cattle-trespass Act, 1086.

(3) Notwithstanding anything contained in the Cattle Trespass Act, 1086 any fine imposed under this section may, if the Court so directs be recovered by the sale of the cattle in respect of which the offence was committed.

(4) The expression "public road" in section 11 of the Cattle-trespass Act, 1086 shall be deemed to include the railway and any railway servant may exercise the powers conferred on officers of police by that Section.

(5) The word "cattle" has the same meaning in this section as in the Cattle-trespass Act, 1086.

Maliciously wrecking or attempting to wreck a train.

58. If a person unlawfully-

(a) puts or throws upon or across any railway any wood, stone or other matter or thing, or,

(b) takes up, removes, loosens, or displaces any rail, sleeper, or other matter or thing belonging to any railway, or,

(c) turns, moves, unlocks, or diverts any points or other machinery belonging to any railway, or,

(d) makes or shows, or hides or removes, any signal or light upon or near to any railway, or,

(e) does or causes to be done, or attempts to do, any other act or thing in relation to any railway,

with intent, or with knowledge that he is likely, to endanger the safety of any person, travelling or being upon the railway, he shall be punished with imprisonment for life or with imprisonment for a term which may extend to ten years.

Maliciously hurting or attempting to hurt person travelling by railway.

59. If a person unlawfully throws or causes to fall or strikes at, against, into, or upon any rolling-stock forming part of a train any wood, stone, or other matter or thing, with intent, or with knowledge that he is likely, to endanger the safety of any person being in or upon such rolling-stock or in or upon any other rolling-stock forming part of the same train, he shall be punished with imprisonment for life or with imprisonment for a term which may extend to ten years.

Endangering safety of persons travelling by railway by wilful act or omission.

60. If a person, by any unlawful act or by any wilful omission or neglect, endangers or causes to be endangered the safety of any person travelling or being upon any railway, or obstructs or causes to be obstructed, or attempts to obstruct, any rolling-stock upon any railway, he shall be punished with imprisonment for a term which may extend to two years.

Endangering safety of persons travelling by railway by rash or negligent act or omission.

61. If a person, rashly or negligently does any act, or omits to do what he is legally bound to do, and the act or omission is likely to endanger the safety of any person travelling or being upon the railway, he shall be punished with imprisonment for a term which may extend to one year, or with fine, or with both.

Special provision with respect to the commission by children of acts endangering safety of person travelling by railway.

62. (1) If a minor under the age of twelve years is, with respect to the railway, guilty of any of the acts or omissions mentioned or referred to in any of the four last foregoing sections, he shall be deemed, notwithstanding anything in section 71 or section 72 of the Travancore Penal Code, to have committed an offence, and the Court convicting him may, if it thinks fit, direct that the minor, if a male, shall be punished with whipping, or may require the father or guardian of the minor to execute, within such time as the Court may fix, a bond binding himself, in such penalty as the Court directs, to prevent the minor from being again guilty of any of those acts or omissions.

(2) The amount of the bond, if forfeited, shall be recoverable by the Court as if it were a fine imposed by itself.

(3) If a father or guardian fails to execute a bond under sub-section (1) within the time fixed by the Court, he shall be punished with fine which may extend to fifty rupees.

Arrest for offences against certain sections.

63. (1) If a person commits any offence mentioned in section 32, 33, 51, 52, 53, 58, 59, 60 or 61 or in section 62 sub-section (1), he may be arrested without warrant or other written authority, by any railway servant or police officer, or by any other person whom such servant or officer may call to his aid.

(2) A person so arrested shall, with the least possible delay, be taken before a Magistrate having authority to try him, or commit him for trial.

Arrest of person likely to abscond or unknown.

64. (1) If a person commits any offence under this Act, other than an offence mentioned in the last foregoing section or fails or refuses to pay any excess charge or other sum demanded under section 45, and there is reason to believe that he will abscond, or his name and address are unknown, and he refuses on demand to give his name and address, or there is reason to believe that the name or address given by him is incorrect, any railway servant or police officer, or any other person whom such railway servant or police officer may call to his aid, may without warrant or other written authority, arrest him,